Registry of the Competition Tribunal

2012-13

Report on Plans and Priorities

Christian Paradis
Minister of Industry and Minister of State (Agriculture)

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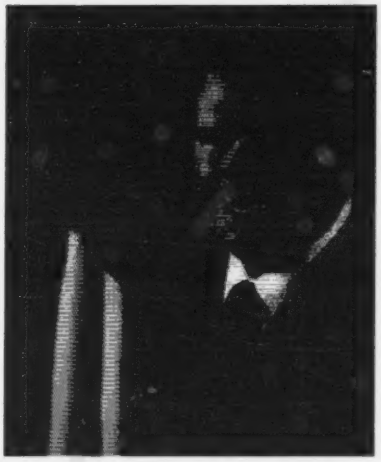
Minister's Message



Over the past year, the Canadian economy has proven to be resilient despite continued fiscal uncertainty in other parts of the world. Since our government introduced Canada's Economic Action Plan in 2009 to respond to the global recession, Canada has recovered not only all of the jobs lost during the recession but also all of our economic output.

As Minister of Industry, I am confident that the Industry Portfolio will play a key role in our government's plan to strengthen Canada's knowledge-based economy. Our efforts will focus on promoting innovation and modernizing Canada's marketplace policies, among other areas.

In 2012-13, the Registry of the Competition Tribunal will be involved in the hearing of a number of high-profile cases, the result of which could have a significant impact on various sectors of the economy, such as the retail industry, the real estate sector and airline transportation. The Registry's recent investment in technology will better support the parties and Tribunal members in hearing these complex cases efficiently.

As significant part of the Industry Portfolio's activities will involve developing Canada's digital economy by updating copyright and privacy laws and building a world-class digital infrastructure for next-generation wireless technologies and services. We will also put in place conditions that allow small businesses to grow and create jobs. This will mean reducing red tape, improving access to credit and focusing programs to promote more effective research and development.

Since coming to office, our government has made science and innovation a priority. We will leverage our past investments and continue to develop and recruit world-leading research talent. We will also take measures to encourage the private sector to increase research and development investments and improve commercialization outcomes.

In our government's pursuit to improve the well-being of Canadians, we will continue to work to secure the recovery, eliminate the deficit and invest in the drivers of long-term economic growth. We will also implement our plan to find savings in government expenditures to return to fiscal balance in the medium term.

This year's Report on Plans and Priorities for the Registry of the Competition Tribunal delivers a comprehensive approach to promote and maintain Canada's strong and competitive economy. I

look forward to working with my Cabinet and departmental colleagues, as well as with the private sector and other levels of government, to achieve our common goal of creating jobs and growth for all Canadians.

Christian Paradis
Minister of Industry and Minister of State (Agriculture)

Section I: Organizational Overview

Raison d'être

The Competition Tribunal, established in 1986, is an independent, quasi-judicial tribunal established under the *Competition Tribunal Act* to hear applications brought by the Commissioner of Competition or a private party, depending on the circumstances, under various parts of the *Competition Act*. The purpose of the *Competition Act* is to maintain and encourage competition in Canada. The Tribunal hears applications related to deceptive marketing practices, such as misleading advertising, under Part VII.1 of the *Competition Act*. The Tribunal also has jurisdiction to hear references as well as applications brought pursuant to Part VIII, which sets out restrictive trade practices such as exclusive dealings.

Responsibilities

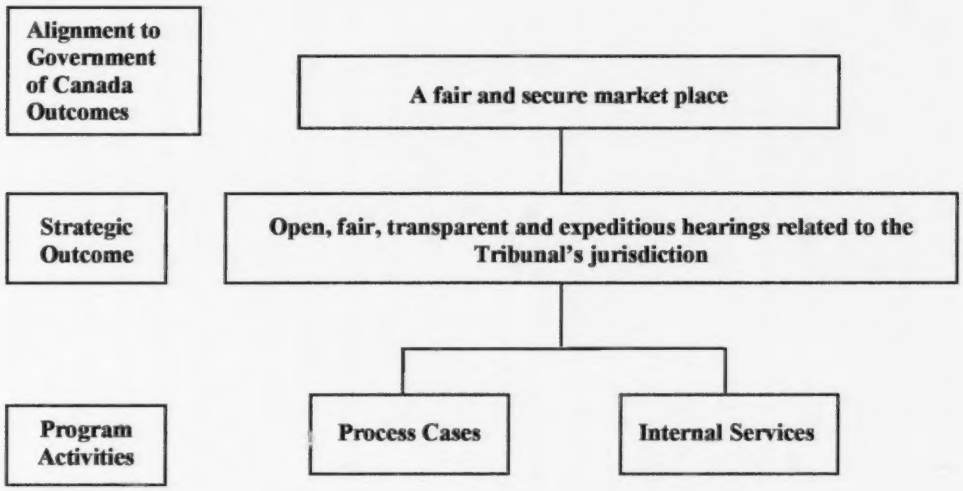
Since its creation in 1986, the Tribunal has heard cases relating to mergers, abuse of dominance, deceptive marketing and various trade practices that have involved key players in several industries. Cases have involved a number of business areas, including furniture stores, importers of cast iron pipes, airline computer reservation systems, community newspapers, aspartame, waste disposal, car parts, weight-loss products, fuel-saving devices, fireplace maintenance products, banking services, poultry supply, and career management services.

The *Competition Tribunal Act* provides for an administrative infrastructure in support of the workings of the Competition Tribunal, through the Registry of the Competition Tribunal. The Registry of the Competition Tribunal is designated a department under Schedule I.1 of the *Financial Administration Act* and therefore must adhere to federal public administration policies including the preparation of this Report on Plans and Priorities. This Report pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

The Registry of the Competition Tribunal supports all aspects of the Tribunal's work and ensures that the Tribunal can hold hearings across Canada, as required. The Registry is also the repository for filing applications, consent agreements, and documents, as well as issuing documents and orders for all cases brought before the Tribunal. The office of the Registry of the Competition Tribunal is located in the National Capital Region.

Strategic Outcome and Program Activity Architecture (PAA)

The chart below illustrates the Registry of the Competition Tribunal's framework for how its program activities contribute towards its strategic outcome.


Alignment to Government of Canada Outcomes
A fair and secure market place
Strategic Outcome
Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction
Program Activities
Process Cases
Internal Services

Organizational Priorities

Priority	Type[1]	Strategic Outcome
Support the implementation of electronic hearings for all cases heard by the Tribunal	New	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

Description

Why is this a priority?

A notice to the legal profession has been issued by the Tribunal to the effect that virtually all hearings before the Tribunal should proceed electronically. The Registry's recent investments in technology provide Tribunal members and parties the required tools to make hearings more efficient while decreasing the need to print massive amounts of paper.

Plans for meeting the priority

The Registry will be actively supporting Tribunal members and parties to ensure a smooth transition to this new process.

[1] Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

Priority	Type	Strategic Outcome
Provide Continuous Learning Opportunities to Tribunal Members	Ongoing	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

Description

Why is this a priority?

The field of competition is wide and complex. Tribunal Members must understand and be aware of economic policies and developments in Canada and abroad that could have an impact on their work as panel members.

Plans for meeting the priority

Keep Tribunal Members informed through bulletins, conference calls or seminars with internal and external speakers to discuss national and international developments in competition law and economics.

Priority	Type	Program Activities
Support the all-of-government spending review by identifying initiatives to improve effectiveness of operations and service delivery	New	• Process Cases • Internal Services

Description

Why is this a priority?

This is a government wide priority initiated to reduce the rate of growth in operating expenditures.

Plans for meeting the priority

Review some business processes supporting our two program activities and identify where increased efficiencies could be achieved while supporting the Tribunal in meeting its mandate.

Priority	Type	Strategic Outcome
Develop partnerships with other organizations to provide learning opportunities to employees	Ongoing	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

Description

Why is this a priority?

The types of cases heard by the Tribunal are specialized. Providing staff with learning experiences at other organisations will expand their knowledge and abilities which, in turn, can be beneficial to the Registry.

Plans for meeting the priority

Review the internal workload and integrate the option of assignments with other organizations into the Integrated Business and Human Resources Plan of the Registry.

Risk Analysis

The Registry of the Competition Tribunal has an ongoing major planning challenge in that the Tribunal's sole function is to respond to the matters referred to it. As such, the Registry's activities are driven by external demands that it can only react to rather than plan for. The number of applications brought to the Tribunal depends on the enforcement policy adopted by the Competition Bureau and the number of applications filed by individuals or companies under the private access provisions of the *Competition Act*.

Further to a notice to the legal profession issued by the Tribunal, starting in January 2012, virtually all hearings of the Tribunal will proceed electronically. The learning opportunities to be provided to Tribunal members will have to include training on the use of technology utilized for electronic hearings. The Registry will provide ad hoc technical training to members to ensure a smooth transition to electronic hearings. The utilization of technology will enable the members and parties to decrease the amount of time spent looking for documents referred to by counsel through the course of a hearing. This is expected to shorten hearings and decrease expenses related to printing numerous paper copies of documents in case they are required during a hearing.

Another potential risk relates to the limited development opportunities the Registry can offer as a micro-agency. Staff turnover in recent years points to a need for deft management of the Registry's human resources requirements so as to maintain its delivery of mandate-related and support activities. With the expected number of hearings to be held during the 2012-13 fiscal year, the Registry must ensure to have the adequate number of internal resources to support the Tribunal.

Planning Summary

Financial Resources ($ thousands)

2012–13	2013–14	2014–15
$2,326	$2,326	$2,326

The financial resources table above provides a summary of the total planned spending for the Registry of the Competition Tribunal for the next three fiscal years.

Human Resources (Full-Time Equivalents—FTEs)

2012–13	2013–14	2014–15
14	14	14

The human resources table above provides a summary of the total planned human resources for the Registry of the Competition Tribunal for the next three fiscal years.

Strategic Outcome: Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	
Performance Indicators	**Targets**
Client level of satisfaction regarding quality of services	80% satisfaction
Tribunal members' level of satisfaction regarding quality of service	80% satisfaction

Planning Summary Table

($ thousands)

Program Activity	Forecast Spending 2011–12	Planned Spending			Alignment to Government of Canada Outcomes
		2012–13	2013–14	2014–15	
Process Cases	$1,745	$1,745	$1,745	$1,745	A fair and secure marketplace
Total Planned Spending		$1,745	$1,745	$1,745	

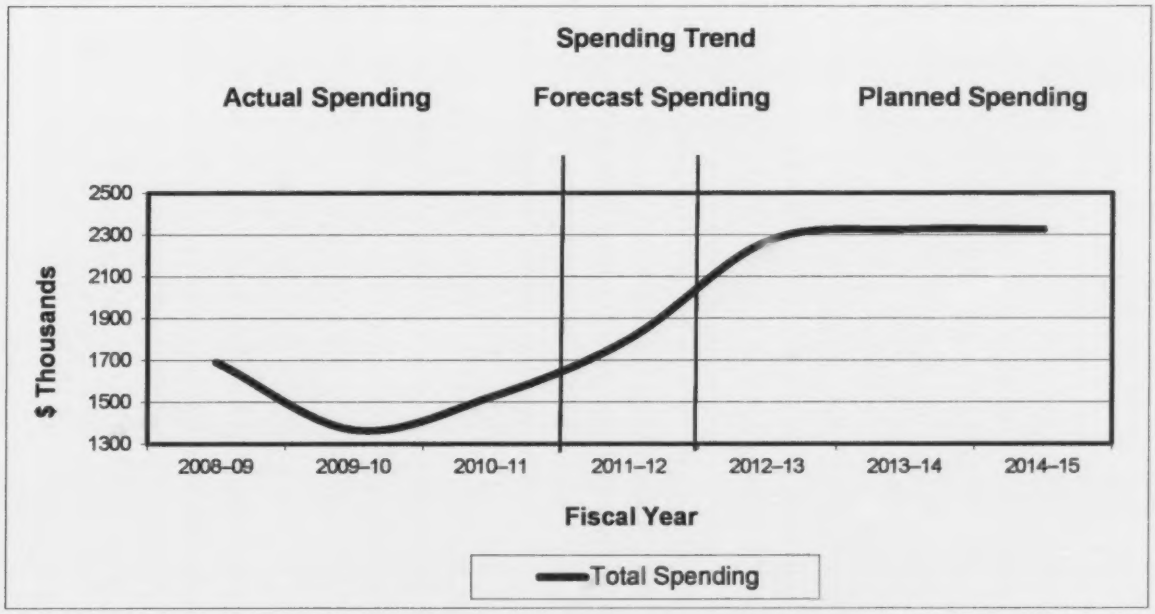
Planning Summary Table

($ thousands)

Program Activity	Forecast Spending 2011–12	Planned Spending		
		2012–13	2013–14	2014–15
Internal Services	$581	$581	$581	$581
Total Planned Spending		$581	$581	$581

Expenditure Profile

Departmental Spending Trend



The Registry cannot forecast the Tribunal's workload; it can only react to it. The workload in 2012-13 is expected to be significantly higher than in 2011-12. The Tribunal heard only one case in 2011-12 which required a panel of three members but three large complex cases are already scheduled for 2012-13 and a fourth one is expected to be ready for hearing in the later part of the fiscal year. This will significantly increase expenses for the year compared to previous years as these cases will be heard by a panel of three members and are expected to last at least a month each. Assuming there are no significant unforeseen circumstances the Registry expects to be able to process these cases within its approved reference level. The planned spending is currently expected to be equal to the funding provided in the Main Estimates for future years as it is impossible to identify if the significant increase in the workload for 2012-13 is the beginning of a new trend and if the new legislation broadening the scope of part VII.1 of the Competition Act, Deceptive Marketing Practices, by prohibiting false or misleading commercial representation that are made electronically, will have a significant impact on the workload of the organization.

Estimates by Vote

For information on our organizational appropriations, please see the 2012–13 Main Estimates publication.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.

Program Activity: Process Cases

Program Activity Descriptions

The Registry of the Competition Tribunal's main program activity is to process cases by providing the public with efficient access to case documents and decisions, as well as with efficient hearing support services.

The Tribunal hears cases and the Registry manages the material for the cases heard by the Tribunal under Part VII.1 (deceptive marketing practices) and Part VIII (which includes restrictive trade practices) of the *Competition Act*.

Financial Resources ($ thousands)

2012–13	2013–14	2014–15
$1,745	$1,745	$1,745

Human Resources (Full-Time Equivalents—FTEs)

2012–13	2013–14	2014–15
10	10	10

Program Activity Expected Results	Performance Indicators	Targets
Timely registry services that provide efficient access to case records and decisions	Percentage of non-confidential case documents and decisions posted on website within 48 hours of filing	90%
Documents that are processed according to timeframes	Documents processed within established timeframes	100%

established in the Rules of Procedure[2]		
Efficient access to electronic processing of applications	Percentage of documents filed using electronic filing system	50%

Planning Highlights

Time and effort from Registry staff will have to be focused in providing timely training to the members and to some extent to the parties when they begin using the new technology for electronic hearings. A smooth transition to this new process will ensure a strong and long lasting buy-in from all involved. Learning opportunities will continue to be provided to Registry staff to ensure they get very comfortable with providing support to the members and parties throughout electronic hearings. Also, providing employees with learning experiences at other organizations whenever operationally feasible will expand their knowledge and abilities and prepare them better to support the Tribunal.

[2] Rules of Procedures can be accessed online at http://www.ct-tc.gc.ca/Procedures/RulesProcedure-eng.asp

Program Activity: Internal Services

Program Activity Description

Internal Services is an umbrella term for activities under the Registry's administration that meet program needs and other corporate obligations. These activities are management and oversight, communications, legal services, human resources management, financial management, information management, information technology, real property, material, acquisition, travel, and other administrative services.

Financial Resources ($ thousands)

2012–13	2013–14	2014–15
$581	$581	$581

Human Resources (Full-Time Equivalents—FTEs)

2012–13	2013–14	2014–15
4	4	4

Program Activity Expected Results	Performance Indicators	Targets
High-quality internal services to the Registry function to ensure the infrastructure is in place to assist the Tribunal in meeting its mandate	Continuous review of internal policies, procedures and internal controls.	25% per year
	Public Service Commission and Receiver General's rating of financial and human resources management	80%

Planning Highlights

This program activity is intended to establish internal services expectations and monitor overall service performance of the Registry. The Registry intends to follow the Management Accountability Framework[3] management practices to act in the best interest of the Registry, its members, its employees and Canadians.

[3] The Management Accountability Framework can be accessed online at http://www.tbs-sct.gc.ca/maf-crg/index-eng.asp

Section III: Supplementary Information

Financial Highlights

Future-Oriented
Condensed Statement of Operations
For the year ending March 31, 2013
($ thousands)

	$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Expenses	775	3,307	2,532
Total Revenues		0	0
Net Cost of Operations	775	3,307	2,532

Condensed Statement of Financial Position
For the year ending March 31, 2013
($ thousands)

	$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Assets	(93)	148	241
Total Liabilities	86	361	275
Equity	(179)	(213)	(34)
Total	(93)	148	241

Future-Oriented Financial Statements

The workload in 2012-13 is expected to be significantly higher than in 2011-12. The Tribunal heard only one case in 2011-12 which required a panel of three members but three large complex cases are already scheduled for 2012-13 and a fourth one is expected to be ready for hearing in the later part of the fiscal year. This will significantly increase expenses for the year compared to

previous years as these cases will be heard by a panel of three members and are expected to last at least a month each.

The Registry's Future Oriented Statement of Operations can be found on the Competition Tribunal's website www.ct-tc.gc.ca.

Section IV: Other Items of Interest

Organizational Contact Information

For further information please contact:

Registry of the Competition Tribunal
90 Sparks Street, Suite 600
Ottawa, ON K1P 5B4

Deputy Head and Registrar: 613-957-7851

Competition Tribunal's website: www.ct-tc.gc.ca